

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Keet**

# A Bill

**ACT 1192 OF 1993**  
**SENATE BILL 57**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 7-5-310 AND § 7-5-523 TO  
9 REDUCE THE AMOUNT OF TIME DISABLED VOTERS ARE REQUIRED TO  
10 REMAIN IN LINE AT A POLLING PLACE; TO AMEND ARKANSAS CODE  
11 § 7-5-311 TO REQUIRE THAT ALL POLLING PLACES BE ACCESSIBLE  
12 TO DISABLED VOTERS AND TO REQUIRE COUNTY ELECTION  
13 COMMISSIONS AND TO CERTIFY THEIR COMPLIANCE WITH THIS ACT;  
14 AND FOR OTHER PURPOSES."

## Subtitle

17 "AN ACT TO ALLOW DISABLED VOTERS TO ADVANCE IN LINE AT A  
18 POLLING PLACE AND TO REQUIRE POLLING PLACES BE ACCESSIBLE  
19 TO THE DISABLED."

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22  
23 SECTION 1. Arkansas Code § 7-5-310 is hereby amended to read as  
24 follows:

25 "7-5-310. Privacy - Assistance to disabled.

26 (a) Each voter shall be provided the privacy to mark his or her ballot.  
27 *Privacy shall be provided by the County Board of Election Commissioners to*  
28 *insure that voters desiring privacy are not singled out.*

29 (b) If a voter informs the judges that he is unable to mark his ballot  
30 because he cannot read or write or because of physical, *sensory, or other*  
31 *disability* or other legal cause, such person may be assisted by two (2)  
32 election judges or by a person selected by the voter, who shall mark the  
33 ballot so as to vote the ballot in accordance with the voter's wishes.

34 (c) Any voter because of physical, *sensory, or other disability* who  
35 presents himself or herself for voting and who then informs the *election*  
36 *sheriff* of each polling place that he or she is unable to stand in line for

1 extended periods of time shall be entitled to and assisted by the *election*  
2 *sheriff* to advance to the head of any line of voters then waiting in line to  
3 vote at the polling place. *This section shall become null and void on January*  
4 *1, 1995.*"

5

6 SECTION 2. Arkansas Code § 7-5-523 is hereby amended to read as  
7 follows:

8 "7-5-523. Assistance to disabled voters.

9 (a) If the voter is unable, because of physical, *sensory, or other*  
10 *disability*, or other legal cause, to cast his ballot by voting machine and  
11 needs the assistance of some other person in casting his ballot, that voter  
12 may be assisted by two (2) election judges, or by a person selected by the  
13 voter, who shall operate the machine so as to vote the ballot in accordance  
14 with the voter's wishes, and shall be permitted to keep the curtain of the  
15 machine closed no longer than five (5) minutes. The laws of this state with  
16 respect to assisting persons *with disabilities* in the casting of votes upon  
17 printed ballots shall govern, insofar as is practicable, the assistance of a  
18 voter in casting his ballot by voting machine.

19 (b) Any voter because of physical, *sensory, or other* disability who  
20 presents himself or herself for voting by voting machine and who then informs  
21 the presiding election *election sheriff* of each polling place that he or she  
22 is unable to stand in line for extended periods of time shall be entitled to  
23 and assisted by the *election sheriff* to advance to the head of any line of  
24 voters then waiting in line to vote at the polling place. *This section shall*  
25 *become null and void on January 1, 1995.*"

26

27 SECTION 3. Arkansas Code § 7-5-311 is hereby amended to read as  
28 follows:

29 "7-5-311. Disabled voters - Special procedures.

30 (a) The county boards of election commissioners and the county  
31 committees of the respective political parties with respect to general,  
32 special, and primary elections under their several jurisdictions shall provide  
33 voting locations which are accessible to disabled voters and shall provide  
34 reasonable and adequate methods whereby disabled voters may personally and  
35 secretly execute their ballots at the polling places.

1           (b) The State Board of Election Commissioners, after conferring with  
2 and obtaining the assistance of disabled persons or organizations of disabled  
3 citizens, shall promulgate rules and regulations for special procedures to be  
4 followed by election officials at voting precincts that will assist in  
5 accommodating voting by disabled voters. The regulations shall include, but  
6 are not limited to, the promulgation of the form of a special ballot, which  
7 reasonably complies with the form of the paper ballot now provided by law, to  
8 be used by visually impaired or disabled voters in executing their ballot.  
9 Such special ballots may be used at voting places in lawful elections in this  
10 state in lieu of voting by voting machine, electronic voting device, or the  
11 regular paper ballot, when requested by the disabled person, if suitable  
12 accommodations are not provided whereby voters may cast their votes in secret  
13 except by the use of the special ballot.

14           (c) All rules, regulations, and procedures authorized by the State  
15 Board of Election Commissioners to enable disabled persons to vote shall be  
16 designed to permit the voter to personally and secretly execute his ballot  
17 without the assistance of a third party unless third-party assistance is  
18 requested by the disabled voter.

19           (d) As used in this section, the term *\_disabled voter\_* shall mean the  
20 visually impaired and persons with physical or mental disabilities, but who  
21 are legally competent to vote in lawful elections in this state.

22           (e) (1) The county board of election commissioners shall be responsible  
23 for compliance with this section and with Public Law 98-435 *and title II of*  
24 *Public Law 101-336, the Americans with Disabilities Act regarding the*  
25 *accessibility of voting locations for disabled voters*, except that county  
26 political parties shall be responsible for compliance with this section and  
27 with Public Law 98-435 for primary elections.

28                   (2) The Secretary of State shall provide the chairman of each  
29 county board of election commissioners and the chairman of each county  
30 political party a copy of this section and Public Law 98-435.

31                   (3) The Secretary of State shall send the copies by certified  
32 mail.

33

34           SECTION 4. All provisions of this act of general and permanent nature  
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

2

3 SECTION 5. If any provisions of this act or the application thereof to  
4 any person or circumstance is held invalid, the invalidity shall not affect  
5 other provisions or applications of the act which can be given effect without  
6 the invalid provisions or application, and to this end the provisions of this  
7 act are declared to be severable.

8

9 SECTION 6. All laws and parts of laws in conflict with this act are  
10 hereby repealed.

11

*/s/ Jim Keet*

12

13

APPROVED: 4/19/93

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

***As Engrossed: 2/2/93 2/9/93 2/11/93 4/8/93***

**SB 57**

1

2

**vjfl31**